

**MINUTES OF THE
STATE ELECTIONS ENFORCEMENT COMMISSION
REGULAR MEETING
February 16, 2005**

I. Call to Order

Chairman Cashman called the meeting to order at 9:07 A.M. Commissioners Cleary, Jenkins and Brett were present. Staff members present were Messrs. Garfield, Lenge, Zepka, Smith Crayton, Oyola, Ly, Ms. Andrews, Ms. Kulmacz, Ms. Haqq and Ms. Blackburn.

II. Approval of the Minutes of the January 12, 2005 Regular Meeting

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to approve the minutes of the January 12, 2005 regular meeting. So voted.

III. Pending Complaints and Investigations

A. Public Session

1. Complaint of Alan C. Looper, Hartford
File No. 2004-161
Proposed Consent Agreements and Orders
Respondents: Abraham Giles, Lelia Bouyer & Radames Vazquez
Investigators: Attorney William B. Smith
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield requested the above referenced matter be temporarily tabled.

2. Complaint of Salvatore A. Bramante, Hartford
File No. 2004-168
Proposed Findings and Conclusions
Respondents: Angel Arce, Hector Robles, Jeannette
Rodriguez, Luis Rodriguez Davila, Clorinda
Soldevila
Investigators: Attorney William B. Smith
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and investigation. He recommended that the matter be dismissed subject to the Commission's right to reopen the matter in the event that new evidence is discovered.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to adopt the proposed Findings and Conclusions in File No. 2004-168 dismissing the matter without prejudice. So voted. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

3. Complaint of John Bysko et al., Old Lyme
File No. 2004-170
Proposed Consent Agreement and Order
Respondent: Lewis I. Davidson
Investigator: Attorney William B. Smith
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and investigation. A hearing was previously scheduled for this matter however, a settlement was reached with Mr. Davidson prior to the hearing. Mr. Davidson has signed the proposed Consent Agreement and Order and has paid the civil penalty of \$2,500.

It was moved by Commission Jenkins and seconded by Commissioner Brett to adopt the proposed Consent Agreement and Order in File No. 2004-170. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

4. Complaint of Olga Aviles, Hartford
File No. 2004-203
Respondent: Prenzina Holloway
Investigators: Attorney Marc W. Crayton &
Lead Legal Investigator Gilberto Oyola
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and investigation. The Commission, at the last meeting, authorized staff to attempt to reach a settlement with the respondent. These attempts were unsuccessful and Mr. Lenge recommended that the matter be heard at a hearing.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary that the Commission find reason to believe that: Prenzina Holloway committed multiple violations of Connecticut General Statutes §9-140(a) by signing as an assister, absentee ballot applications that she did not actually assist the individual applicants; Ms. Holloway committed multiple violations of §9-140b(d) by having in her possession official absentee ballots set other than her own for use at the August 10, 2004 Hartford Democratic Primary that she was not authorized to possess; that Ms. Holloway committed multiple violations of §9-140b(e) by being an agent of a candidate and knowingly being present when absentee ballot applicants executed their absentee ballot sets; that

Ms. Holloway violated §9-159o by voting by absentee ballot when she was able to appear at the polling place to vote in person; that Ms. Holloway violated §9-359 by unlawfully opening and filling out another individual's absentee ballot set; that Ms. Holloway committed multiple violations of §9-359a in connection with multiple absentee ballot applications and a single absentee ballot set and that a hearing officer be appointed to hear this matter. So voted.

Commissioner Cashman volunteered to be hearing officer.

5. Complaint of Lewis I. Davidson, Old Lyme
File No. 2004-206
Proposed Findings and Conclusions
Respondents: Mark C. Diebolt, Jane Bysko, Tom Schellans
Investigator: Attorney William B. Smith
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and investigation. He recommended that the matter be dismissed for the reasons stated in the proposed Findings and Conclusions.

It was moved by Commissioner Cleary and seconded by Commission Jenkins to adopt the proposed Findings and Conclusions in File No. 2004-206. So voted. The complaint is dismissed. A copy of the Findings and Conclusions is attached and incorporated herein a part of these minutes.

6. Complaint of Brian Dougherty, New Milford
File No. 2004-256
Proposed Findings and Conclusions
Respondent: Gale Alexander
Investigator: Attorney Marc W. Crayton
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint. The investigation found insufficient evidence to support the allegations in the complaint. Mr. Garfield recommended that the matter be dismissed.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to adopt the proposed Findings and Conclusions in File No. 2004-256. So voted. The matter is dismissed. A copy of the Findings and Conclusions is attached and incorporated herein a part of these minutes.

7. In Re: Norwalk Registrars of Voters
File No. 2004-260
Proposed Consent Agreements and Orders
Respondents: Karen Doyle Lyons, Betty Bondi
Investigator: Attorney Marc W. Crayton
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and investigation. Attorney Crayton was congratulated for his efforts in this matter. Mr. Lenge stated that Norwalk is now using the Centralized Voter Registration System. Respondents Lyons and Bondi have both signed the proposed Consent Agreement and Order and have each paid the civil penalty of \$1500.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to adopt the proposed Consent Agreement and Order in File No. 2004-260. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

8. Complaint of Fern Galperin, Stamford
File No. 2004-280
Proposed Findings and Conclusions
Respondents: Lucy Corelli, Alice Fortunato
Investigator: Attorney William B. Smith
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and investigation. He recommended the matter be dismissed for the reasons stated in the proposed Findings and Conclusions.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt the proposed Findings and Conclusions in File No. 2004-280. So voted. The matter is dismissed. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

9. Complaint of Pamela Rapacz, Wethersfield
File No. 2004-286
Proposed Findings and Conclusions
Respondent: Lawrence H. Frazier
Investigator: Attorney William B. Smith
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and investigation. He recommended the matter be dismissed for the reasons stated in the proposed Findings and Conclusions.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to adopt the proposed Findings and Conclusions in File No. 2004-286. So voted. The matter is dismissed. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

10. Complaint of Marcia Woolsey, West Hartford
File No. 2004-291
Proposed Findings and Conclusions
Respondents: Steven and Alice Feltman
Investigator: Lead Legal Investigator Gilberto Oyola
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and investigation. He recommended the matter be dismissed for the reasons stated in the proposed Findings and Conclusions.

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to adopt the proposed Findings and Conclusions in File No. 2004-291. So voted. The matter is dismissed. A copy of the Findings and Conclusion is attached and incorporated herein as part of these minutes.

11. Complaint of Michael P. Mullin, Salem
File No. 2004-293
Proposed Consent Agreement and Order
Respondent: R. Larry Reitz
Investigator: Attorney William B. Smith
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and investigation. Respondent Reitz has signed the proposed Consent Agreement and Order and has paid the civil penalty of \$50.

It was moved by Commission Cleary and seconded by Commissioner Jenkins to adopt the proposed Consent Agreement and Order in File No. 2004-293. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

12. Complaint of Christy Alicea, Hartford
File No. 2004-294
Proposed Findings and Conclusions
Respondent:
Investigator: Lead Legal Investigator Gilberto Oyola
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint stating that Mr. Oyola has done a comprehensive investigation of the matter. Mr. Oyola has attempted to contact the Complainant via mail and

telephone to arrange for a meeting in order to identify the alleged violators. Ms. Alicea has failed to respond to the messages and therefore there is no corroborating identification of the violator. A letter was sent to the Complainant indicating that if we did not hear from her by February 9, 2005 her complaint would be closed without further action.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins that the above matter be dismissed with prejudice. So voted. It was recommended that the Commission send a letter to the Hartford Registrars of Voters alerting them to the requirements of C.G.S. §9-261 and that they instruct poll workers in the future concerning the proper manner to provide assistance to voters in the voting booth who request same.

13. Complaint of Frances Knipple and Janis Murtha, South Windsor
File No. 2004-296

Proposed Consent Agreement and Order

Respondent: Raymond A. DeLuca

Investigator: Attorney William B. Smith

Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced matter. Respondent DeLuca has informed Attorney Smith that he has signed the proposed Consent Agreement and Order and that it has been mailed. He has agreed to remove his name from the voter registration list in South Windsor and provide the Commission with evidence of the same.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to adopt the proposed Consent Agreement and Order in File No. 2004-296 contingent upon receipt of the signed agreement within 7 days from today. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

14. Complaint of Jonathan Klein, Bridgeport
File No. 2004-297

Proposed Consent Agreement and Order

Respondent: Michael Doyle

Investigator: Lead Legal Investigator Gilberto Oyola

Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above reference matter. Respondent Doyle has paid the civil penalty of \$100 and has informed Mr. Oyola that the signed agreement has been mailed.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to adopt the proposed Consent Agreement and Order in File No. 2004-297 contingent upon receipt of the

signed agreement within 7 days from today. So voted. A copy of the Consent Agreement and Order is attached and incorporative herein as part of these minutes.

15. Complaint of Pamela W. Walters, Bloomfield
File No. 2004-299 A, B, C
Proposed Consent Agreement and Order
Respondents: Marc N. Needleman, Adam Gutcheon,
Barbara Bloom, Pat Martin, Kathy Tapper,
David A. Baram
Investigator: Attorney William B. Smith
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and investigation. Respondent Neddleman has signed the proposed Consent Agreement and Order and Mr. Lenge recommended its adoption.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to adopt the proposed Consent Agreement and Order in File Nos. 2004-299 A, B, C. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

16. Complaint of Ellen P. Camhi, Stamford
File No. 2004-368
Respondent: Frank Dell
Investigator: Lead Legal Investigator Gilberto Oyola
Managing Attorney: Albert P. Lenge

Mr. Lenge explained that the Complainant Ellen Camhi sent a letter requesting that her complaint be withdrawn.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to accept the Complainant's request to withdraw her complaint. So voted.

B. *Executive Session per C.G.S. 1-200(6)(B) and (E), and 1-210(b)(4)*

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins at 9:50 A.M. to proceed into Executive Session pursuant to C.G.S. 1-200(6)(B) and (E), and 1-210(b)(4) to discuss strategy and negotiations with respect to pending claims listed as Items 17 through 19 on the agenda and Item IV. Request to Initiate Investigations. So voted. Present were Commissioner Cashman, Cleary, Jenkins and Brett. Staff members present were Messrs. Garfield, Lenge, Zepka, Smith, Crayton, Oyola, Ly, Ms. Andrews, Ms. Kulmacz, Ms. Haqq and Ms. Blackburn.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to return to public session at 10:36 A.M.. So voted.

Following a short recess, the Commission returned to public session and took the following action:

17. Complaint of Richard Goodwin, Branford
File No. 2004-298
Investigator: Attorney Marc W. Crayton
Managing Attorney: Jeffrey B. Garfield

This matter was continued.

18. Complaint of Edward Schwing, Haddam
File No. 2004-365
Investigators: Attorney Marc W. Crayton &
Lead Legal Investigator Gilberto Oyola
Managing Attorney: Albert P. Lenge

This matter was continued.

19. Complaint of Philip Sherwood, New Britain
File No. 2004-367
Investigator: Attorney Marc W. Crayton
Managing Attorney: Jeffrey B. Garfield

This matter was continued.

The Commission then returned to consider item 1 on the agenda.

Complaint of Alan C. Looper, Hartford
File No. 2004-161
Proposed Consent Agreements and Orders
Respondents: Abraham Giles, Lelia Bouyer & Radames Vazquez
Investigators: Attorney William B. Smith
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the Proposed Consent Agreements and Orders with regard to Respondents Giles, Bouyer and Vazquez.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to adopt the proposed Consent Agreement and Order with respect to Respondent Radames Vazquez. So voted. He has paid the civil penalty of \$500. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

As to Respondent Lelia Bouyer, Chairman Cashman indicated that she has not provided the financial hardship documentation that would warrant the remitting of the civil penalty of \$3000 to \$1000. Mr. Garfield recommended that the Commission reject the proposed agreement without prejudice.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to reject without prejudice the proposed Consent Agreement and Order with respect to Lelia Bouyer. So voted. The Commission shall reconsider its action provided the respondent submits a corrected affidavit with supporting financial information demonstrating such financial hardship within seven days from today.

Commissioner Cashman stated that as to the matter of Mr. Giles, a hearing was scheduled however, before the hearing took place, this settlement was sent to Commissioner Cashman for his consideration. Commissioner Cashman conditionally approved it subject to the stipulation of the financial affidavit, which has not been received. Mr. Giles has failed to provide sufficient financial information to justify the amount of civil penalty and payment plan contained in the proposed agreement. Commissioner Cashman recommended that the Commission reject without prejudice the proposed agreement and order until the respondent submits financial information to justify the penalty contained in the agreement.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to reject without prejudice the proposed Consent Agreement and Order with respect to Abraham Giles. So voted. The Commission shall reconsider its action provided the respondent submits financial information demonstrating financial hardship within seven days from today.

IV. *Request to Initiate Investigations*

Executive Session per C.G.S. 1-200(6)(B) and (E), and 1-210(b)(4)

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins that the Commission initiate an investigation into the Matter of the Registered Voters at 188 Cleveland Avenue in Hartford. So voted. Chairman Cashman directed staff to proceed with the investigation.

V. *Update on Non-Filers*

Mr. Garfield explained that he has furnished the Commissioners with an update on non-filer cases. The following list reflects the compliance status of the non-filer cases for which Hearing Officers were previously designated.

Administrative Notice taken of Compliance regarding 2004 non-filer cases for which Hearing Officers were designated.

Elm PAC, Daniel Lugo, Treasurer
File No. 2004-120NF
Compliance with 9-333j on 5-13-2004

Gordon, Muir & Foley PAC
Robert J. O'Brien, Treasurer
File No. 2004-122NF
Compliance with 9-333j on 5-13-2004

The Hartford Together PAC
Lelia Bouyer, Treasurer
File No. 2004-157NF
Compliance with 9-333j on 7-8-2004

Friends to Elect Dr. Sherri Killins, Mayor
Lori Welch-Rubin, Treasurer
File No. 2004-162NF
Compliance with 9-333j on 9-15-2004

Richard Carmelich, Lobbyist
File No. 2004-211L
Compliance with 9-333l(g) on 11-4-2004

Brian McDermott, Lobbyist
File No. 2004-335L
Compliance with 9-333l(g) on 11-17-2004

Wendy Wiener, Lobbyist
File No. 2004-250L
Compliance with 9-333l(g) on 11-22-2004

Shawn Hanley, Lobbyist
File No. 2004-226L
Compliance with 9-333l(g) on 12-20-2004

Elizabeth es Mejor, Kathleen Serrano, Treasurer
File No. 2004-318NF
Compliance with 9-333j on 1-26-2005

Mr. Garfield explained that in the past, the Commission has found reason to believe that the above referenced Respondents were in violation of the Connecticut General Statutes referenced. The Respondents in those matters have complied by filing reports and paying civil penalties. In the past, the minutes have not reflected the resolutions to these matters.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins that with respect to the non filers referenced above, the Commission takes administrative notice of their compliance with the statutes indicated, and will take no further action with respect to these matters.

Robert Silverberg, Lobbyist
File No. 2004-244L
Recommendation to dismiss the case on 2-16-2005

Mr. Lenge explained that the above referenced matter was referred in error by the Secretary of the State, based on incorrect information from the State Ethics Lobbyist data base and should be dismissed. Mr. Silverberg was not a registered lobbyist during the period in question.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to dismiss File No. 2004-244L. So voted.

**VI. *Cases to be Scheduled for Hearing
Referrals by the Secretary of the State***

File No. 2004-303NF
Vernon Democratic Town Committee
Respondent: David Krause, Treasurer
Investigator: Attorney William B. Smith
Managing Attorney: Jeffrey B. Garfield
Recommendation: Find Reason to believe that Respondent David Krause violated Sections 9-333j and 9-333y of the Connecticut General Statutes

File No. 2004-357NF
Summit PAC
Respondent: Ann Summerville
Investigator: Attorney William B. Smith
Managing Attorney: Jeffrey B. Garfield
Recommendation: Find Reason to believe that Respondent Ann Summerville violated Sections 9-333j and 9-333y of the Connecticut General Statutes

File No. 2004-301NF
North Branford Democratic Town Committee
Respondent: Mary K. Hart
Investigator: Attorney William B. Smith
Managing Attorney: Albert P. Lenge
Recommendation: Find Reason to believe that Respondent Mary K. Hart violated Sections 9-333j and 9-333y of the Connecticut General Statutes

File No. 2004-354NF
People for a Change
Respondent: John Murphy
Investigator: Lead Legal Investigator Gilberto Oyola
Managing Attorney: Jeffrey B. Garfield
Recommendation: Find Reason to believe that Respondent John Murphy violated Sections 9-333j and 9-333y of the Connecticut General Statutes

It moved by Commissioner Cleary and seconded by Commissioner Jenkins that the Commission finds reason to believe that the respondents listed above violated Section 9-333j and 9-333y of the Connecticut General Statutes and that a Hearing Officer be appointed for those matters. So voted.

Commissioner Cashman appointed Mr. Garfield to be Hearing Officer for File No. 2004-301NF and Mr. Lenge to be Hearing Officer for File Nos. 2004-303NF, 2004-357NF, and 3004-354NF.

File No. 2004-360NF

Committee to Re-Elect State Senator Coleman

Respondent: Ronald Simpson

Investigator: Attorney William B. Smith

Managing Attorney: Jeffrey B. Garfield

Recommendation: Find Reason to believe that Respondent Ronald Simpson violated Sections 9-333j and 9-333y of the Connecticut General Statutes

Mr. Garfield reported that this matter has been resolved, and compliance effected.

VII. Legislative Update

Mr. Garfield stated that most of the proposals pending before the GAE Committee involve revisions to the election laws. Several hearings have already been held and there will be several more in the next couple of weeks. Mr. Garfield said that he will be testifying this Friday, February 18, on three of the Commission's bills, the campaign finance reform bill, the absentee voting bill and the sanctions bill. The Commission has also taken a position in support of requiring new voting machines to be equipped with voter verified paper receipts. The bill to implement this feature has received a great deal of public interest. He said he is hopeful that SB 55, An Act Promoting Voting System Accuracy, Integrity and Security Through Voter-Verified Permanent Paper Records will be favorably considered by the Committee.

Attorney Andrews prepared a memo summarizing the Election Day Registration proposals. The legislature previously considered and passed an Election Day Registration (EDR) Bill during the 2003 session, Public Act 03-204, H.B 6370 however, it was vetoed by Governor Rowland. A lawsuit has been filed in Federal Court by various plaintiffs challenging the constitutionality of the CT law that imposes a 14 day cut off for voting registration. Senate Bill 59, An Act Concerning Election Day Voter Registration and House Bill 6529, An Act Concerning Election Day Registration were summarized in Attorney Andrews' memo which includes the pros and cons of the bills. The proponents of the EDR cite to increased voter participation as the main goal and the opponents consider fraud or the potential for fraud as the reason for their opposition. The Registrars of Voters' also point out is that it would be an administrative burden to them. The Commissioners discussed the EDR proposals and agreed that they could not support such a change at this time.

The Commission also discussed is SJ Resolution 39, Resolution Amending the State Constitution to Allow Early Voting. It includes an amendment to the State Constitution. The text of the amendment would repeal the constitutional requirement for eligibility to vote by absentee ballot. This runs counter to the issues that the Commission has been working on and Mr. Garfield feels that is problematic. The Commissioners all agreed that they would not support it.

Mr. Garfield will present the agency budget request on Friday, February 18 night before the Appropriations Committee.

Mr. Garfield also reported that that Commissioner Brett had her confirmation hearing before the Executive and Legislative Nominations Committee last week that she was approved by the Committee. It will now go to the House for action.

VIII. Adjournment

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to adjourn the meeting at 11:30 A.M. So voted.

Unless otherwise indicated, all votes of the Commission were unanimous.

The next regular meeting is scheduled for Wednesday, March 16, 2005 at 9:00 a.m.

Respectfully submitted,

Lois E. Blackburn
Clerk of the Commission